

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SEAFARERS PENSION PLAN,  
derivatively on behalf of THE BOEING  
COMPANY,

Plaintiff,

VS.

ROBERT A. BRADWAY, et al.,

Defendants,

and

THE BOEING COMPANY,

**Nominal Defendant.**

Case No. 1:19-cv-8095

Hon. Harry D. Leinenweber

## MOTION TO DISMISS FOR *FORUM NON CONVENIENS*

Defendants hereby respectfully move the Court to dismiss this action for *forum non conveniens*. As explained more fully in the accompanying memorandum, Nominal Defendant The Boeing Company has adopted a bylaw requiring any shareholder derivative action to be filed in the Court of Chancery of the State of Delaware. That bylaw is valid and enforceable under federal law and Delaware law. Accordingly, this action was filed in this Court in contravention of the forum-selection bylaw, and dismissal for *forum non conveniens* is the proper remedy. *See Atlantic Marine Constr. v. U.S. Dist. Court*, 571 U.S. 49, 60 (2013) (“[T]he appropriate way to enforce a forum-selection clause pointing to a state or foreign forum is through the doctrine of forum non conveniens.”); *Mueller v. Apple Leisure Corp.*, 880 F.3d 890, 894 (7th Cir. 2018) (same).

Dated: February 13, 2020

Respectfully submitted,

/s/ Joshua Z. Rabinovitz

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